

MEMO ENDORSED

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RECEIVED
REV. NATHANIEL FOX
U.S. MAGISTRATE JUDGE

TO: CHAMBERS OF
Hon. Kevin Nathaniel Fox
U.S. Magistrate Judge
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Date: August 21, 2008

FROM: BARRET CHANDLER 0644122
Upstate Correctional Facility
P.O. Box 2001, 369 Bore Hill Road
Malone, New York 13753

Re: CHANDLER v. City of New York, et al., 07-
CV-10412 (PAC) (KNF)

Subj.: Request for an extension of time to
prepare and file answer - Response to
the defendant's answering papers and
a request for a restraining order

Dear Hon. Magistrate Judge Fox,

Plaintiff would like to apologize
for the late request for an extension of
time to respond to the defendant's ans-

- page one -

KNF
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8/21/08

-Page two-

working papers. Plaintiff apologize both to the Court and the defendant no harm is intended.

Consequently, on or before September 30, 2008, plaintiff is respectfully and humbly requesting that Plaintiff please be allowed to prepare and file a late response, to the defendant's answer.

In addition further more plaintiff is further requesting humbly and respectfully in all fairness and within due process that plaintiff be granted a restraining order preventing the defendant(s) and MTA from misl placing or destroying the inside 34th Street NYC 2 Penn Plaza Long Island Railway inside Pennsylvania train station near the escalators and exit way is 'surveillance video tape footages' of February 17, 2005 depicting the plaintiff without any question and provocation at the hands and feet of the defendant Lezcano and Gallagher and the other forementioned NYC Police Dept. officers plaintiff did ~~substant~~^{sustained} several permanent pain and injuries about to his hands, wrists, and back on this day in question. The surveillance video tape footages herein depicted above forementioned above is the Plaintiff's primary evidence in chief is needed by plaintiff.

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8/21/08

-page three-

ntiff to prove and substantiate plaintiff's claims and allegations first in court and before the trial jury. If the surveillance video tape footages herein described come how when needed come up all of the or suddenly missing or destroyed. Plaintiff will suffer again irreparable harm and prejudice.

Thanking before-hand Hon. Magistrate Judge Kevin Nathaniel Fox for the permission and the restraining order herein requested. see, Affirmation of service dated 8/21/08 enclose herewith.

I declare under the penalty of perjury that foregoing is true and correct. Upstate Correctional Facility signed this 21 day of August, 2008

Respectfully Submitted,
Barret Chandler
BARRET CHANDLER 664122

P.O. Box 3201

Malone, New York 12953

8/28/08

Carbon Copy to:
Bradford C. Patrick
Assistant Corporation Counsel
100 Church Street
New York, New York 10007

The plaintiff has not shown good cause for his failure to act timely. Therefore, his request for an enlargement of time, is denied. To the extent the plaintiff seeks an order directing the MTA to act or refrain from acting the application is denied, because the MTA is not a party to the action.
SO ORDERED:
Kevin Nathaniel Fox, U.S.M.J.

I declare under the penalty of perjury that I am on this 21 day of August, 2008, I am delivering this (3) three page request to the Upstate prison authorities to be delivered to Hon. Kevin Nathaniel Fox U.S. Magistrate Judge Chambers Southern District NY

United States District Court
Southern District of New York x

BARRET CHANDLER,

Pro se Plaintiff,

-against-

City of New York, et al.

Defendant. x

07-CV-10412 (PAC)(KNE)

Affirmation of

service

I, BARRET CHANDLER, declare under the penalty of perjury that I have secured a carbon copy of the enclose (3) three page request letter for an extension of time and a restraining order of plaintiff addressed to the Court dated August 21, 2008, upon Bradford C. Patrick, whose address is the City of New York Law Dept - 100 Church Street, NY, NY 10007 by placing the same moving papers in the hand of the Upstate Prison authorities to be mailed through the upstate prisoners free legal mail system.

Dated: August 21, 2008

Malone, New York

Barret Chandler

Plaintiff Pro se

Upstate C.F.

P.O. Box 3001

Malone, NY 13753

cc: filed